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**DIAMOND MCCARTHY LLP**

909 Fannin, Suite 1500  
Houston, Texas 77010  
Telephone (713) 333-5100  
Facsimile (713) 333-5199

Allan B. Diamond, TX State Bar No. 05801800  
Email: [adiamond@diamondmccarthy.com](mailto:adiamond@diamondmccarthy.com)  
Eric D. Madden, TX State Bar No. 24013079  
Email: [emadden@diamondmccarthy.com](mailto:emadden@diamondmccarthy.com)

Special Litigation Counsel for USACM Liquidating Trust

**LEWIS AND ROCA LLP**

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321

Rob Charles, NV State Bar No. 006593  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)

Counsel for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
  
Debtor.

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
  
Debtor.

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC,  
  
Debtor.

In re:  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
  
Debtor.

In re:  
USA SECURITIES, LLC,  
  
Debtor.

Affects:  
☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

USACM LIQUIDATING TRUST,  
  
Plaintiff,

v.

FIESTA DEVELOPMENT, INC., ASHBY USA,  
LLC, RICHARD K. ASHBY, and RANDOM  
DEVELOPMENTS, LLC,  
  
Defendants.

Case Nos.:  
BK-S-06-10725-LBR  
BK-S-06-10726-LBR  
BK-S-06-10727-LBR  
BK-S-06-10728-LBR  
BK-S-06-10729-LBR

JOINTLY ADMINISTERED  
Chapter 11 Cases

Judge Linda B. Riegler

**NOTICE OF ENTRY OF ORDER  
APPROVING MOTION FOR  
APPROVAL OF SETTLEMENT  
PURSUANT TO RULE 9019 OF  
THE FEDERAL RULES OF  
BANKRUPTCY PROCEDURE**

Adv. No. 08-01123-lbr

**NOTICE OF ENTRY OF  
ORDER APPROVING  
MOTION FOR APPROVAL  
OF SETTLEMENT  
PURSUANT TO RULE 9019  
OF THE FEDERAL RULES  
OF BANKRUPTCY  
PROCEDURE**

1           **PLEASE TAKE NOTICE** that an Order Approving Motion for Approval of Settlement  
2 Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure (DE #6899) was entered on  
3 the 5<sup>th</sup> day of March 2009, a true and correct copy of which is attached hereto as Exhibit "A."

4  
5           Dated: March 5, 2009.

6           **DIAMOND MCCARTHY LLP**

**LEWIS AND ROCA LLP**

7  
8           By: /s/ J. Maxwell Beatty  
9           Allan B. Diamond, TX 05801800 (pro hac vice)  
10          Stephen T. Loden, TX 24002489 (pro hac vice)  
11          J. Maxwell Beatty, TX 24051740 (pro hac vice)  
12          909 Fannin, Suite 1500  
             Houston, TX 77010  
             (713) 333-5100 (telephone)  
             (713) 333-5199 (facsimile)

             By: /s/ Rob Charles  
             Rob Charles, NV 6593  
             3993 Howard Hughes Parkway, Suite 600  
             Las Vegas, Nevada 89169-5996  
             (702) 949-8320 (telephone)  
             (702) 949-8321 (facsimile)

13          *Special Litigation Counsel for Plaintiff USACM*  
14          *Liquidating Trust*

*Counsel for USACM Liquidating Trust*

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of DIAMOND MCCARTHY LLP, and that on the 5<sup>th</sup> day of March 2009, a true and correct copy of the **NOTICE OF ENTRY OF ORDER APPROVING MOTION FOR APPROVAL OF SETTLEMENT PURSUANT TO RULE 9019 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE** was served by electronic transmission to all parties on the Post Effective Date Service List and counsel for parties to the settlement as set forth below:

Richard F. Holley, Esq.  
Ogonna M. Atamoh, Esq.  
Santoro, Driggs, Walch, Kearney, Holey & Thompson  
400 South Fourth Street, Third Floor  
Las Vegas, NV 89101  
[rholley@nevadafirm.com](mailto:rholley@nevadafirm.com)  
[ootamoh@nevadafirm.com](mailto:ootamoh@nevadafirm.com)

/s/ Catherine A. Burrow, CLA  
Catherine A. Burrow, CLA  
Diamond McCarthy LLP

## EXHIBIT A



Entered on Docket  
March 05, 2009

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**DIAMOND MCCARTHY LLP**

9096 Fannin, Suite 1500  
Houston, TX 77010  
Telephone (713) 333-5100  
Facsimile (713) 333-5199

Allan B. Diamond, TX State Bar No. 05801800  
E-mail: [adiamond@diamondmccarthy.com](mailto:adiamond@diamondmccarthy.com)  
Eric D. Madden, TX State Bar No. 24013079  
E-mail: [emadden@diamondmccarthy.com](mailto:emadden@diamondmccarthy.com)

Special Litigation Counsel for USACM Liquidating Trust

**LEWIS AND ROCA, LLP**

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Telephone – (702) 949-8320  
Facsimile – (702) 949-8321

Rob Charles, NV State Bar No. 006593  
E-mail: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)

Counsel for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
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Case Nos.:  
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JOINTLY ADMINISTERED  
Chapter 11 Cases

Judge Linda B. Riegle

**ORDER APPROVING MOTION  
FOR APPROVAL OF  
SETTLEMENT PURSUANT TO  
RULE 9019 OF THE FEDERAL  
RULES OF BANKRUPTCY  
PROCEDURE**

## Affects:

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

USACM LIQUIDATING TRUST,

Plaintiff,

v.

FIESTA DEVELOPMENT, INC., ASHBY USA, LLC,  
 RICHARD K. ASHBY, and RANDOM  
 DEVELOPMENTS, LLC,

Defendants.

Adv. No. 08-01123-lbr

**ORDER APPROVING MOTION  
 FOR APPROVAL OF  
 SETTLEMENT PURSUANT TO  
 RULE 9019 OF THE FEDERAL  
 RULES OF BANKRUPTCY  
 PROCEDURE**

On February 20, 2009, this Court held a hearing on the Motion for Approval of Settlement Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure filed by Geoffrey Berman, Trustee of the USACM Liquidating Trust (the "USACM Trust"). The Motion requested this court enter an order approving the Settlement Agreement and Release dated February 5, 2009 between the USACM Trust, Fiesta Development, Inc., Ashby USA, LLC, Richard K. Ashby, Random Developments, LLC, and Ashby Development Company, Inc. (the "Proposed Settlement"). The relief requested is hereby GRANTED.

Pursuant to the Motion this Court hereby GRANTS the following relief:

1. The Proposed Settlement is approved pursuant to Federal Rule of Bankruptcy Procedure 9019.

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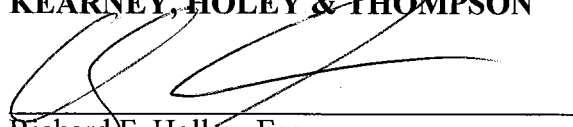
2. This Court shall retain jurisdiction to interpret and enforce the terms of the Settlement Agreement and this Order Approving Settlement.

IT IS SO ORDERED.

APPROVED / DISAPPROVED

Dated this 26th day of February, 2009.

**SANTORO, DRIGGS, WALCH,  
KEARNEY, HOLEY & THOMPSON**

  
Richard F. Holley, Esq.  
Ogonna M. Atamoh, Esq.  
400 South Fourth Street, Third Floor  
Las Vegas, Nevada 89101  
*Attorneys for Fiesta Development, Inc., Ashby  
USA, LLC, Richard K. Ashby, Random  
Developments, LLC and Ashby Development  
Company, Inc*

**PREPARED AND SUBMITTED BY:**

**DIAMOND MCCARTHY LLP**

/s/ Stephen T. Loden  
Allan B. Diamond, TX 05801800 (pro hac vice)  
Stephen T. Loden, TX 24002489 (pro hac vice)  
J. Maxwell Beatty, TX 24051740 (pro hac vice)  
909 Fannin, Suite 1500  
Houston, TX 77010  
*Special Litigation Counsel for Plaintiff USACM  
Liquidating Trust*

CERTIFICATION PURSUANT TO LOCAL RULE 9021

In accordance with LR 9021, counsel submitting this document certifies as follows

(check one):

       The court has waived the requirement of approval under LR 9021

       No parties appeared or filed written objections, and there is no trustee appointed in the case.

  X   I have delivered a copy of this proposed order to all counsel, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or filed to respond to the document.]

Ogonna M. Atamoh           Approved          

DATED: February 24, 2009

          /s/ J. Maxwell Beatty            
J. Maxwell Beatty

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